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Attorneys for Plaintiff,
GREGG GUCWA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREGG GUCWA,)	Case No.:
Plaintiffs,)	
v.)	PLAINTIFF'S COMPLAINT FOR
)	DAMAGES
GC SERVICES, LP,)	(Unlawful Debt Collection Practices)
Defendant.)	
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)	
)	

COMPLAINT

NOW COMES Plaintiff, GREGG GUCWA ("Plaintiff"), by and through his attorneys,
submits this Verified Complaint against Defendant, GC SERVICES, LP("Defendant"), alleges as
follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).

Parties

2. Plaintiff is a natural person residing in the city of Thompson Ridge, County of Orange, New York.
3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
4. Defendant is a debt collector conducting business in the state of New York, and has its principal place of business in Houston, TX.
5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
8. Because Defendant conducts business in New York, personal jurisdiction is established
9. Venue is proper in the United States District Court Southern District of New York pursuant to 28 U.S.C § 1391(b) because Plaintiff resides within this District and a substantial part of the events or omissions giving rise to the herein claims occurred, or a substantial part of property that is the subject of the action is situated within this District.

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Factual Allegations

10. On or around November 23, 2016, Defendant placed a collection call to Plaintiff seeking and demanding payment for an alleged consumer debt.
11. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.
12. Defendant called Plaintiff's telephone number at (845) 978-36XX.
13. On or around November 23, 2016, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine.
14. In the voicemail message, Defendant failed to meaningfully disclose the company's name or the nature of the call or state that the call was from a debt collector.
15. In the voicemail message, Defendant directed Plaintiff to call back telephone number (800) 926-3136, which is a number that belongs to Defendant.
16. In the voicemail message, Defendant failed to disclose the purpose of her call was to collect a debt allegedly owed by Plaintiff.
17. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

FIRST CAUSE OF ACTION

DEFENDANT VIOLATED THE FDCPA 15 U.S.C. § 1692 et seq.

18. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-18.
19. Defendant's violations of the FDCPA include, but are not limited to, the following:
- a. Defendant violated §1692(d) of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff;
 - b. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or misleading representation or means in connection with the debt collection; and

- 1 c. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the
2 warning: This is an attempt to collect a debt... communication is from a debt
3 collector.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

6 **FIRST CAUSE OF ACTION**

- 7 20. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
8 21. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
9 22. Awarding such other and further relief as may be just, proper and equitable.

10 **ON ALL CAUSES OF ACTION**

- 11 23. Actual damages and compensatory damages according to proof at time of trial;
12 24. Costs and reasonable attorneys' fees;
13 25. Any other relief that this Honorable Court deems appropriate.

14 **JURY TRIAL DEMAND**

- 15 26. Plaintiff demands a jury trial on all issues so triable.

16 **RESPECTFULLY SUBMITTED,**

17 **DATED:** April 21, 2017

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19 **The Law Offices of Jeffrey Lohman, P.C.**

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21 By: /s/ Daniel Ruggiero
22 Daniel Ruggiero
23 Attorney for Plaintiff
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